

PATENT**REMARKS**

Claims 1-31 are pending in this application. Claims 1-31 were rejected.

Drawings

The Examiner objected to the drawings and required corrected drawings in reply to the Office Action. The Examiner objected to the drawings because Figures 1-4 were not designated Prior Art. Applicants submit that Figures 1-4 do not constitute Prior Art and were not labeled as such because they depict the system containing the invention. Nowhere in the specification are Figures 1-4 labeled or presented as depicting the Prior Art. Figures 1-4 show the multiple wireless systems which incorporate Applicant's invention. Therefore, Applicant respectfully submits that Figures 1-4 do not constitute Prior Art and requests that the objection to the drawings be withdrawn.

Claim Rejections under 35 U.S.C. § 112

Claims 2, 17-26 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 were rejected as having insufficient antecedent basis for the limitation "a resume command" in line 6. Claim 6 has been amended to overcome this rejection.

Claim 17 was rejected because it is not clearly stated what is meant by "send an indication" found in lines 4 and 7. Applicant has not amended claim 17 because the term "send an indication" is clearly and completely discussed in the Detailed Description section of the specification. Applicant respectfully requests that this rejection be withdrawn.

Claims 18-26 were rejected because they depend from claim 17. Applicant submits that claims 18-26 are allowable for the same reason given above for claim 17.

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Claims Rejections under 35 U.S.C. § 102(e)

Claims 1-3, 6, 8-17, 19-23, 27-29, and 31 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,937,861 to Vanghi (hereinafter "Vanghi"). Applicants respectfully disagree for the reasons and explanations set forth below.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P. § 2131 (Aug. 2001) (*quoting Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the . . . claim." *Id.* (*quoting Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1051, 1053 (Fed. Cir. 1987)). In addition, "the reference must be enabling and describe the applicant's invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention." *In re Paulsen*, 30 F.3d 1475, 1479, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Applicants respectfully submit that claims 1-3, 6, 8-17, 19-23, 27-29, and 31 are not anticipated by Vanghi for the reasons and explanations set forth below.

With respect to amended claim 1, Applicants respectfully submit that Vanghi does teach or suggest all the limitations of claim 1. In particular, Vanghi does not teach or suggest the following elements of claim 1: "transmitting a pause command to the first wireless network" and "transmitting a resume command to the first wireless network".

Vanghi discloses a method of connection management for dual mode access terminals in a radio network. (Title) A maximum suspension time defines the length of time that an access terminal may suspend communication with a supporting radio network before the radio network releases the communication resources assigned to the access terminal. (Abstract) In some environments it may be necessary for the access terminal to momentarily suspend communication with a first radio network, so that it can briefly communicate with a second radio network. (Abstract) The method controls how an access terminal reestablishes connection with a radio network after a brief suspension of communication with that network. The parameters associated with operating in the radio network include a time-out value that defines the maximum time the access terminal can suspend its communication with the radio network before the radio network releases and possible reassigns the communication resources associated with

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the access terminal's suspended connection. The access terminal thus knows whether it should resume communication using the suspended connection or whether it should request a new connection. (Col. 2, line 60 – Col. 3, line 5) When an access terminal 14 has an open connection with the radio network 22, it is expected to continuously transmit to the radio network 22 on its assigned reverse link traffic channel. (Col. 5, lines 22-25) An access terminal 14 engaged in an open packet data connection with the IS-856 radio network 22 appears to be in an idle state from the perspective of the IS-2000 radio network 28. (Col. 5, lines 31-34) When the access terminal 14 suspends communication with the IS-856 radio network 22, the IS-856 radio network 22 will detect a loss of the signal on the reverse link traffic channel and initiate a fade timer to time the duration of the inactivity. (Col. 5, lines 59-63) If the fade timer expires before the access terminal 14 resumes communication, the radio network 22 terminates the connection and releases the network resources supporting the dormant terminal's connection, including the forward and reverse link channels and the RPC channel. (Col. 5, line 66 – Col. 6, line 3)

Vanghi does not disclose all the elements of Applicants' invention. Specifically, Vanghi discloses only that the access terminal suspends communication with the IS-856 radio network and that the IS-856 network detects a loss of signal. No mechanism for suspending or resuming communication with the IS-856 network is given in Vanghi. Therefore, Vanghi does not disclose "transmitting a pause command to the first wireless network" or "transmitting a resume command to the first wireless network".

Because Vanghi does disclose all the limitations of amended claim 1, Applicants submit that amended claim 1 is not anticipated by Vanghi and respectfully requests that the rejection be withdrawn.

Claims 10, 16, and 31 are each allowable for the same reasons given above for claim 1.

Claim 17 is allowable for the same reasons given above for claim 1.

Claim 19 is allowable as depending directly from an allowable base claim.

Claim 27 is allowable for the same reasons given above for claim 1.

Claims 2, 3, 22, and 23 are allowable as depending either directly or indirectly from an allowable base claim.

Claim 11 is allowable as depending directly from an allowable base claim.

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Claims 6, 8, 9, 12, 13, 14, 15, 20, 21, 28, and 29 are allowable as depending either directly or indirectly from an allowable base claim.

Claim Rejections under 35 U.S.C. § 103

Claims 5, 18, 24, 26, and 30 were rejected as being unpatentable over Vanghi under 35 U.S.C. § 103(a). This rejection is respectfully traversed.

Applicant submits that the nonobviousness of independent claims 1 and 17 precludes a rejection of claims 5, 18, 24, 26, and 30 depending therefrom, because a dependent claim is obvious only if the independent claim from which it depends is obvious. *See In re Fine*, 5, U.S.P.Q. 2d 1596, 1600 (Fed Cir. 1988), *see also* MPEP § 2143.03. Therefore, the Applicant requests that the Examiner withdraw the 35 U.S.C. § 103(a) obviousness rejections to dependent claims 5, 18, 24, 26, and 30.

Claims 4, 7, and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Vanghi in view of U.S. Patent 6,487,399 to Rajaniemi et al. (hereinafter "Rajaniemi").

Applicant submits that the nonobviousness of independent claims 1 and 17 precludes a rejection of claims 4, 7, and 25 depending therefrom, because a dependent claim is obvious only if the independent claim from which it depends is obvious. *See In re Fine*, 5, U.S.P.Q. 2d 1596, 1600 (Fed Cir. 1988), *see also* MPEP § 2143.03. Therefore, the Applicant requests that the Examiner withdraw the 35 U.S.C. § 103(a) obviousness rejections to dependent claims 5, 18, 24, 26, and 30.

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REQUEST FOR ALLOWANCE

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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